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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,431	01/19/2001	Yoshikazu Watanabe	202127US2	7063
22850	7590	06/15/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			JONES, HEATHER RAE	
1940 DUKE STREET			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			2621	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/764,431	<b>Applicant(s)</b> WATANABE, YOSHIKAZU	
	<b>Examiner</b> Heather R. Jones	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-12,14-23,25-36,38-41 and 43-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34,35,39-41 and 43-49 is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14-23,25-33 and 50-55 is/are rejected.
- 7) ☒ Claim(s) 36 and 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/5/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Page 18, lines 19-25, filed March 22, 2006, with respect to the rejection(s) of claim(s) 2 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference, Naito et al. (U.S. Patent 6,980,668).

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 3-11, 50, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honma (U.S. Patent 6,304,313) in view of Safai et al. (U.S. Patent 6,167,469) in view of Nemoto et al. (JP 9-23375) in view of Naito et al. (U.S. Patent 6,980,668).

Regarding claim 1, Honma discloses in Fig. 1 a digital camera (101) having a normal shooting mode and a text shooting mode (col. 14, lines 31-35), comprising: an image pickup unit (103) which captures an image of a subject and converts the image into image data (col. 5, lines 33-38); a compressing unit (106) which generates compressed image data by compressing the image data outputted from the image pickup unit (col. 5, lines 33-38); a storage unit (107) which stores the compressed image data (col. 5, line 38); a decompressing unit

(108) which compresses the compressed image data (col. 5, lines 39-40); a switching unit (a switch on the user interface (111)) which switches the normal shooting mode to the text shooting mode and vice versa (col. 6, lines 34-44); and an image processing unit (117) which performs image processing to the image data, wherein, after the decompressing unit decompresses the compressed image data of an image captured in the text shooting mode and stored in the storage unit, the image processing unit effects image processing appropriate to a transmission destination to resulting decompressed image data (col. 5, line 66 – col. 6, line 9). However, Honma fails to explicitly teach a digital camera with which a destination to receive the image data can be selected; that the image processing unit detects a shooting angle of the digital camera with respect to the subject; and in the text shooting mode, the storage unit stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on the shooting condition data.

Referring to the Safai et al. reference, Safai et al. discloses a digital camera comprising with which a destination to receive the image data can be selected (abstract; col. 8, lines 1-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teaching of allowing the user to send image data to various locations as disclosed by Safai et al. with the digital camera disclosed by Honma in order to make the camera more versatile

by providing the user with more options than just sending an image to a printer. However, Honma in view of Safai et al. fail to disclose a digital camera with an image processing unit detects a shooting angle of the digital camera with respect to the subject and in the text shooting mode, the storage unit stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on the shooting condition data.

Referring to the Nemoto et al. reference, Nemoto et al. discloses a digital camera wherein the image processing unit detects a shooting angle of the digital camera with respect to the subject (constitution).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the angle detection unit as disclosed by Nemoto et al. with the digital camera disclosed by Honma in view of Safai et al. in order to provide a proper quality image in accordance with the photographic conditions (the position of the subject). However, Honma in view of Safai et al. in view Nemoto et al. fails to disclose the storage unit storing shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on the shooting condition data.

Referring to the Naito et al., Naito et al. discloses a storage unit that stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the

image data based on the shooting condition (Fig. 37 – according to the intended purpose of the image (which can be text) the watermark is applied at certain times according to the table).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the shooting condition data in a one-to-one correspondence with the compressed image data as taught by Naito et al. with the digital camera disclosed by Honma in view of Safai et al. in view of Nemoto et al. in order to apply certain characteristics to an image in accordance with a combination of various protection preferences and the purpose for which the data is to be employed.

Regarding claim 3, Honma in view of Safai et al. in view of Nemoto et al. in view of Naito et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that the digital camera further comprises a data communication unit (116) which allows a data communication with an external device (Honma: col. 5, lines 62-65).

Regarding claim 4, Honma in view of Safai et al. in view of Nemoto et al. in view of Naito et al. discloses all the limitations as previously discussed with respect to claims 1 and 3 as well as Safai et al. further disclosing that the digital camera further comprises: a memory (212) which stores name and/or telephone number and/or address of a destination (col. 2, lines 45-48; col. 9, lines 15-45), and an image deleting flag that specifies whether the image data should be deleted or not after transmission in a one-to-one correspondence (Fig. 4F; col.

12, lines 55-60; delete option check box (472)); and a deleting unit (trash (442); Fig. 4C) which deletes the image data that has been transmitted through the data communication unit in accordance with the image deleting flag stored in the memory (col. 10, lines 60-67).

Regarding claim **5**, Honma in view of Safai et al. in view of Nemoto et al. in view of Naito et al. discloses all the limitations as previously discussed with respect to claims 1 and 3 including that digital camera further comprises a deleting unit which deletes the image data that has been transmitted through the data communication unit depending on a transmission destination (Safai et al.: col. 12, lines 55-60; col. 8, lines 61-67 – email or physical mail address).

Regarding claim **6**, Honma in view of Safai et al. in view of Nemoto et al. in view of Naito et al. discloses all the limitations as previously discussed with respect to claims 1, 3, and 4 including that a manipulator is allowed to arbitrarily set a content of the memory (Safai et al.: col. 3, lines 23-28 – operator can delete unwanted images using the Trash icon to free up memory space).

Regarding claims **7-11**, please see the rejection basis/rationale as described in claims 1 and 3-6 (respectively) above.

Regarding claim **50**, Honma in view of Safai in view of Nemoto et al. in view of Naito et al. disclose all the limitations as previously discussed with respect to claim 1, but fail to disclose that the shooting condition data includes at least one of shooting magnification and guidance frame information. Official Notice is taken that is well known to store the shooting condition that includes

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shooting magnification along with the compressed image data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the shooting magnification along with other shooting conditions with the compressed image data in order to provide the user with the shooting conditions in order for the user to easily refer back to other images to take a similar image at a later time.

Regarding claim **51**, please see the rejection basis/rationale as described in claim 50 above.

- TTG  
6/11/08
4. Claims 12, 14-23, <sup>25-33</sup> and 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honma (U.S. Patent 6,304,313) in view of Safai et al. (U.S. Patent 6,167,469) in view of Fellegara et al. (U.S. Patent Application Publication 2001/0015760) in view of Nemoto et al. (JP 9-23375) in view of Naito et al. (U.S. Patent 6,980,668).

Regarding claim **12**, Honma discloses in Fig. 1 a digital camera (101) having a normal shooting mode and a text shooting mode (col. 14, lines 31-35), comprising: an image pickup unit (103) which captures an image of a subject and converts the image into image data (col. 5, lines 33-38); a compressing unit (106) which generates compressed image data by compressing the image data outputted from the image pickup unit (col. 5, lines 33-38); a storage unit (107) which stores the compressed image data (col. 5, line 38); a decompressing unit (108) which decompresses the compressed image data (col. 5, lines 39-40); a switching unit (a switch on the user interface (111)) which switches the normal



shooting mode to the text shooting mode and vice versa (col. 6, lines 34-44); and an image processing unit (117) which performs image processing to the image data, wherein, after the decompressing unit decompresses the compressed image data of an image captured in the text shooting mode and stored in the storage unit, the image processing unit effects image processing appropriate to a transmission destination to resulting decompressed image data (col. 5, line 66 – col. 6, line 9), and further recompresses resulting processed image data (col. 5, lines 38-42). However, Honma fails to explicitly teach a digital camera comprising with which a destination to receive the image data can be selected along with the image processing unit effects processing including clipping, small-step gray scaling, and resolution changing to resulting decompressed image data; the image processing unit detects a shooting angle of the digital camera with respect to the subject; and that in the text shooting mode, the storage unit stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on the shooting condition data.

Referring to the Safai et al. reference, Safai et al. discloses a digital camera comprising with which a destination to receive the image data can be selected (abstract; col. 8, lines 1-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teaching of allowing the user to send image data to various locations as disclosed by Safai et al. with the

digital camera disclosed by Honma in order to make the camera more versatile by providing the user with more options than just sending an image to a printer. However, Honma in view of Safai et al. still fail to disclose an image processing unit effects processing including clipping, small-step gray scaling, and resolution changing to resulting decompressed image data as well as the storage unit stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on the shooting condition data in the text shooting mode.

Referring to the Fellegara et al. reference, Fellegara et al. discloses a digital camera with an image processing unit (70) (paragraph [0056]) for processing clipping, small-step gray scaling, and resolution changing to resulting decompressed image data (paragraph [0056] – cropping and resolution reducing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of image processing as disclosed by Fellegara et al. with the digital camera as disclosed by Honma in view of Safai et al. in order to minimize storage space and to allocate space for flash memory as disclosed by Fellegara et al. (paragraph [0056]). However, Honma in view of Safai et al. in view of Fellegara et al. fail to disclose a digital camera with an image processing unit detects a shooting angle of the digital camera with respect to the subject as well as the storage unit stores

shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on the shooting condition data in the text shooting mode.

Referring to the Nemoto et al. reference, Nemoto et al. discloses a digital camera wherein the image processing unit detects a shooting angle of the digital camera with respect to the subject (constitution).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the angle detection unit as disclosed by Nemoto et al. with the digital camera disclosed by Honma in view of Safai et al. in view of Fellegara et al. in order to provide a proper quality image in accordance with the photographic conditions (the position of the subject).

However, Honma in view of Safai et al. in view of Fellegara et al. in view of Nemoto et al. in view of Naito et al. still fail to disclose that in the text shooting mode, the storage unit stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on the shooting condition data.

Referring to the Naito et al., Naito et al. discloses a storage unit that stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on the shooting condition (Fig. 37 – according to the intended

purpose of the image (which can be text) the watermark is applied at certain times according to the table).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the shooting condition data in a one-to-one correspondence with the compressed image data as taught by Naito et al. with the digital camera disclosed by Honma in view of Safai et al. in view of Fellegara et al. in view of Nemoto et al. in order to apply certain characteristics to an image in accordance with a combination of various protection preferences and the purpose for which the data is to be employed.

Regarding claim **14**, Honma in view of Safai et al. in view of Fellegara et al. in view of Nemoto et al. in view of Naito et al. discloses all the limitations as previously discussed with respect to claim 12 as well as disclosing that the digital camera further comprises a data communication unit (116) which allows a data communication with an external device (Honma: col. 5, lines 62-65).

Regarding claim **15**, Honma in view of Safai et al. in view of Fellegara et al. in view of Nemoto et al. in view of Naito et al. discloses all the limitations as previously discussed with respect to claims 12 and 14 as well as Safai et al. further disclosing that the digital camera further comprises: a memory (212) which stores name and/or telephone number and/or address of a destination (col. 2, lines 45-48; col. 9, lines 15-45), and an image deleting flag that specifies whether the image data should be deleted or not after transmission in a one-to-one correspondence (Fig. 4F; col. 12, lines 55-60; delete option check box

(472)); and a deleting unit (trash (442); Fig. 4C) which deletes the image data that has been transmitted through the data communication unit in accordance with the image deleting flag stored in the memory (col. 10, lines 60-67).

Regarding claim **16**, Honma in view of Safai et al. in view of Fellegara et al. in view of Nemoto et al. in view of Naito et al. discloses all the limitations as previously discussed with respect to claims 12 and 14 including that digital camera further comprises a deleting unit which deletes the image data that has been transmitted through the data communication unit depending on a transmission destination (Safai et al.: col. 12, lines 55-60; col. 8, lines 61-67 – email or physical mail address).

Regarding claim **17**, Honma in view of Safai et al. in view of Fellegara et al. in view of Nemoto et al. in view of Naito et al. discloses all the limitations as previously discussed with respect to claims 12, 14, and 15 including that a manipulator is allowed to arbitrarily set a content of the memory (col. 3, lines 23-28 – operator can delete unwanted images using the Trash icon to free up memory space).

Regarding claims **18-22**, please see the rejection basis/rationale as described in claims 12 and 14-17 (respectively) above.

Regarding claims **23** and **25-28**, please see the rejection basis/rationale as described in claims 12 and 14-17 (respectively) above.

Regarding claims **29-33**, please see the rejection basis/rationale as described in claims 12 and 14-17 (respectively) above.

Regarding claim **52**, Honma in view of Safai in view of Fellegara et al. in view of Nemoto et al. in view of Naito et al. disclose all the limitations as previously discussed with respect to claim 1, but fail to disclose that the shooting condition data includes at least one of shooting magnification and guidance frame information. Official Notice is taken that is well known to store the shooting condition that includes shooting magnification along with the compressed image data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the shooting magnification along with other shooting conditions with the compressed image data in order to provide the user with the shooting conditions in order for the user to easily refer back to other images to take a similar image at a later time.

Regarding claims **53-55**, please see the rejection basis/rationale as described in claim 52 above.

***Allowable Subject Matter***

5. Claims 36 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter:

- a. The display unit controls display and non-display of the guidance in accordance with the frame display information stored in the memory (claims 36 and 38).
7. Claims 34, 35, 39-41, and 43-49 are allowed.
8. The following is an examiner's statement of reasons for allowance: Prior art fails to teach or fairly suggest a digital camera having a normal shooting mode and a text shooting mode, comprising:
  - a. A display unit that controls display and non-display of the guidance on the monitor depending on a transmission destination, wherein the guidance is used to notify a shooting condition of a text while displaying on the monitor the video of the subject before being shot (claims 34, 35, 39-41, 43, 48, and 49).
  - b. A shooting angle detecting unit, wherein shooting is started when the shooting angle of the digital camera with respect to the subject becomes substantially perpendicular (claims 44-47).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-

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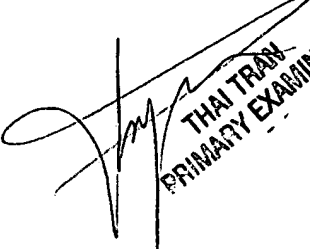
7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones  
Examiner  
Art Unit 2621

HRJ  
June 8, 2006



THAI TRAN  
PRIMARY EXAMINER